ORDER REGENEDEOR FILING
Date
By

IP RE: PETITION FOR VARIANCE
PW/S Philadelphia Road, 1,350'

NE of the c/l of Joppa Road (11142 Philadelphia Road) 11th Election District 5th Councilmanic District

Richard Price, et ux Petitioners * BEFORE THE

ZONING COMMISSIONER

* OF BALTIMORE COUNTY

* Case No. 99-47-A

*

* * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by the owners of the subject property, Richard and Darlene Price. The Petitioners seek relief from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an existing accessory structure (shed) in the rear yard with a height of 20 feet in lieu of the maximum permitted 15 feet. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition was Richard Price, property owner. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property consists of a gross area of 0.9183 acres, more or less, zoned D.R.2H, and is located on the northwest side of Philadelphia Road, just north of its intersection with Joppa Road in White Marsh. The property is improved with a single family dwelling, a 12' x 14' garage, and an 18' x 20' shed, which is the subject of this request. The Petitioner recently constructed the subject shed for use as a wood shop. Mr. Price testified that he needed a high ceiling to accommodate his hobby and thus, decided to construct the shed with a barn-style roof, not knowing that a 15-foot height

restriction existed. As shown on the site plan, the existing garage, which has a small shed attached to it, is to be removed. Mr. Price testified that strict compliance with the zoning regulations will force him to remove and replace the entire roof system at additional expense. In support of his request, Mr. Price submitted letters from his neighbors on both sides of his property indicating that they have no objections to the shed's 20-foot height. Furthermore, it was noted from the photographs submitted into evidence that there are several tall trees in the immediate vicinity of this shed which minimize its visual impact. In addition, the Office of Planning submitted favorable comments demonstrating that they have no objections to the height of the shed, provided it's use is restricted.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

- 2-

OHDER RECEIVED FOR FILING
Date
3v

After due consideration of the testimony and evidence presented,

I am persuaded to grant the variance. It has been established that special circumstances or conditions exist that are peculiar to the subject property and that strict compliance with the zoning regulations would cause an unreasonable hardship for the Petitioner. As noted above, the Petitioners' neighbors who would be most affected by the shed have written letters in support of his request, and the Office of Planning has no objections. Thus, it appears that relief can be granted without causing any detriment to the health, safety or general welfare of the surrounding community.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this day of September, 1998 that the Petition for Variance seeking relief from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an existing accessory structure (shed) in the rear yard with a height of 20 feet in lieu of the maximum permitted 15 feet in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

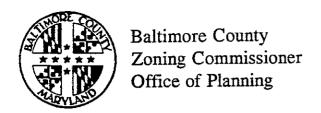
- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) The Petitioners shall not allow or cause the accessory structure to be converted to a second dwelling unit and/or apartments. The shed shall contain no living or sleeping quarters, and no kitchen or bathroom facilities.
- 3) Use of the subject shed shall be limited to the personal use of the Petitioner as a wood shop/storage

shed. There shall be no commercial use or activity taking place therein.

- 4) The existing 12' \times 14' garage, with an attached small shed, shall be removed within ninety (90) days of the date of this Order.
- 5) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

LAWRENCE E. SCHMIDT Zoning Commissioner for Baltimore County

LES:bjs



Suite 405, County Courts Bldg. 401 Bosley Avenue Towson, Maryland 21204 410-887-4386

September 15, 1998

Mr. & Mrs. Richard Price 11142 Philadelphia Road White Marsh, Maryland 21162

RE: PETITION FOR VARIANCE

NW/S Philadelphia Road, 1,350' NE of the c/l of Joppa Road

(11142 Philadelphia Road)

11th Election District - 5th Councilmanic District

Richard Price, et ux - Petitioners

Case No. 99-47-A

Dear Mr. & Mrs. Price:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT Zoning Commissioner

for Baltimore County

LES:bjs

cc: People's Counsel; Case File



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at	- 11142 Philadelphia Rd.
	which is presently zoned D.R2 14
This Petition shall be filed with the Department of Per The undersigned, legal owner(s) of the property situate in Baltin hereto and made a part hereof, hereby petition for a Variance fro	
201 accessory structure in th	om Section(s) Section 400.3 to allow a e tear yard in licu of the required
Atten HAVING BUILT A She	w of Baltimore County; for the following reasons: (indicate hardship or
A BARN Style ROOF for COSMELIC AND	that purpose. I DECIDED to Atty d practical Reasons not knowing about
Property is to be posted and advertised as prescril, or we, agree to pay expenses of above Variance advertising.	Ded by Zoning Regulations.
be bound by the zoning regulations and restrictions of Baltimore	County adopted pursuant to the Zoning Law for Baltimore County.
Contract Purchaser/Lessee	I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.
Contract Fulcitation/Leases	Legal Owner(s).
(Type or Print Name)	RICHARD PRICE (Type or Boat Name)
Signature	Signature (
Address	Type Or Print Name)
City State Zipcode	Signature
Attorney for Petitioner:	w 410 \$25017
(Type or Print Name)	Address Phone No. H 46 3441670
Signature	White MARS MD 2/260 City State Zipcode Name, Address and phone number of representative to be contacted.
Address Phone No.	Name

Zipcode

Address Phone No OFFICE USE ONLY ESTIMATED LENGTH OF HEARING **Next Two Months**

Printed with Soybean Ink on Recycled Paper Revised 9/5/95

99-47-A

ZONING DESCRIPTION FOR 11142 PHILADELPHIA ROAD

Beginning at a point on the Northwest side of Philadelphia

Road which is 60 feet wide at the distance of 1,350 feet

Northeast of the centerline of the nearest improved intersecting street

Joppa Road which is 60 feet wide in the subdivision of East of Joppa Road as recorded in Baltimore County Plat Book #12341, Folio #301,

containing 40,000 square feet. Also known as 11142 Philadelphia Road and located in the 11th Election District, 5th Councilmanic District.

BALTIMORE COUNTY, MAR' ND OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT	No. 056552	PAID HEEFT
DATE 7/58/61 ACCOUNT ROS	1-6150	PRINCOS ACTUAL TURE 7/28/1998 7/26/1998 14:28:40 RCS WOO4 CASHIER KNCA KON DRANER A 5 HISCELLANDUS CASH RECEIPT
AMOUNT \$ 5	٥.٥٥	Receipt N 061164 OFLN:
FROM: Richard Dorlahe Pri	· · · ·	50.00 CASH Baitimare County, Haryland
FOR: 100 10 Alan Var	99-	47-A
DISTRIBUTION WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER	Them #47	CASHIER'S VALIDATION

The Zoning Commissioner of Battimore County, by authority of the Zoning Act and Regulations of Battimore County will hold a public hearing in Tow-son, Maryland on the property identified herein as follows:

Case: #99-47-A 11142 Philadelphia Road NW/S Philadelphia Road 1350 NE Joppa Road 5th Election District 11th Councilmanic District Legal Owner(s): Richard Price &

Prictard Price & Darlene Price & Darlene Price & Marianes: to allow a 20-foot accessory structure in the rear yard in lieu of the required 15 feet.

Hearing: Friday, September 11, 1998 at 11:90 a.m., in Room 106, County Office Brilding, 111 West Chesapeake Avenue.

LAWRENCE E. SCHMIDT Zoning Commissioner for

Baltimore County
NOTES: (1) Hearings are
Handicapped Accessible; for
special accommodations
Please Call (410) 887-355. (2) For information concerning the File and/or Hearing, Please Call (410) 887-3391.

8/394 Aug. 27 c253933

CERTIFICATE OF PUBLICATION

TOWSON, MD., 827, 1998
THIS IS TO CERTIFY, that the annexed advertisement was
published in THE JEFFERSONIAN, a weekly newspaper published
in Towson, Baltimore County, Md., once in each of successive
weeks, the first publication appearing on 827 , 1998 .
THE JEFFERSONIAN,
a. Hemilson
LEGAL AD TOWSON

CERTIFICATE OF POSTING

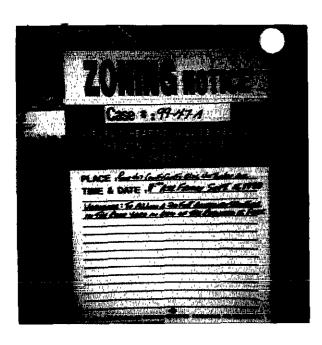
RE: Case # 99-47-A
Petitioner/Developer:
(Richard Price)
Date of Hearing/@adding:
(Sept. 11, 1998)

Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, Maryland 21204

Attention: Ms. Gwendolyn Stephens

Ladies and Gentleman:

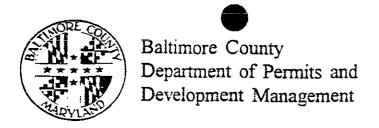
This letter is to certify under the penalties of perjury that the necessary sign(s) required by				
law were posted conspicuously on the property located at				
11142 Philadelphia Road Baltimore, Maryland 21162				
The sign(s) were posted onAugust 26, 1998(Month, Day, Year)				



Sincerely, (Signature of Sign Poster & Date)
Thomas P. Ogle, Sr
325 Nicholson Road
Baltimore, Maryland 21221
(410)-687-8405 (Telephone Number)

	ng, Black Letters on White Background:
	ZONING NOTICE
	Case No.: 99-47-A
	A PUBLIC HEARING WILL BE HELD BY THE ZONING COMMISSIONER IN TOWSON, MD
PLACE:	
REQUEST: Varion	ce to construct a 20' accessory structure the required 15'.
	TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY. TO CONFIRM HEARING CALL 887-3391. THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW
	HANDICAPPED ACCESSIBLE

9/96 post.4.doc



Development Processing County Office Building 111 West Chesapeake Avenua Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of which, lies with the petitioner/applicant) and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with this requirement.

Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR
For newspaper advertising:
Item No.: 47
Petitioner: RICHARD + DARIENE PRICE
Location: 11142 PhilaDelPhiA RD
PLEASE FORWARD ADVERTISING BILL TO:
NAME: RICHARD PRICE
ADDRESS: 11142 PhilaDelPhia RD
white maresh MD 21162
PHONE NUMBER: 410 344 1074

Printed with Soybean ink

AJ:ggs

(Revised 09/24/96)

TO: PATUXENT PUBLISHING COMPANY

August 27, 1998 Issue - Jeffersonian

Please forward billing to:

Richard Price

410-344-1074

11142 Philadelphia Road White Marsh, MD 21162

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 99-47-A 11142 Philadelphia Road

NW/S Philadelphia Road, 1350' NE Joppa Road 5th Election District - 11th Councilmanic District Legal Owner: Richard Price & Darlene Price

Variance to allow a 20-foot accessory structure in the rear yard in lieu of the required 15 feet.

HEARING:

Friday, September 11, 1998 at 11:00 a.m. in Room 106, County Office Building,

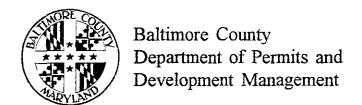
111 West Chesapeake Avenue

LAWRENCE E. SCHMIDT

ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 410-887-3353.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 410-887-3391.



Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

August 10, 1998

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 99-47-A 11142 Philadelphia Road

NW/S Philadelphia Road, 1350' NE Joppa Road 5th Election District - 11th Councilmanic District Legal Owner: Richard Price & Darlene Price

Variance to allow a 20-foot accessory structure in the rear yard in lieu of the required 15 feet.

HEARING:

Friday, September 11, 1998 at 11:00 a.m. in Room 106, County Office Building,

111 West Chesapeake Avenue

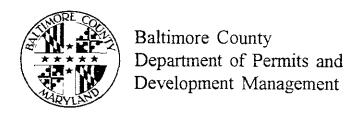
Arnold Jablon Director

c: Darlene & Richard Price

NOTES: (1) YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY AUGUST 27, 1998.

(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 410-887-3353.

(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 410-887-3391.



Development Processing County Office Building III West Chesapeake Avenue Towson, Maryland 21204

September 10, 1998

Mr. & Mrs. Richard Price 11142 Philadelphia Road White Marsh, MD 21162

RE: Item No.: 47

Case No.: 99-47-A

Location: 11142 Philadelophia

Road

Dear Mr. & Mrs. Price:

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM), on July 28, 1998.

The Zoning Advisory Committee (ZAC), which consists of representatives from several Baltimore County approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency.

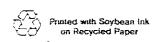
Very truly yours,

W. Carl Richards, Jr

Zoning Supervisor Zoning Review

WCR:ggs

Enclosures



fg 111

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director

DATE: August 21, 1998

and Development Management

FROM: Arnold F. 'Pat' Keller, III, Director

Office of Planning

SUBJECT: 11142 Philadelphia Road

INFORMATION

Item Number:

47

Petitioner:

Richard Price

Zoning:

DR-2H

Requested Action:

Variance

Summary of Recommendations:

While the shed is indeed high, the structure is constructed with quality materials which minimizes its visual impact. The Office of Planning supports the applicant's request provided that the following conditions are met:

1) The applicant should demonstrate that the adjacent property owners have been notified; and

Jeffrey W. Long

2) The applicant should not allow or cause the accessory structure to be converted to residential use.

Section Chief

AFK/JL

825-0171 (W) 344-1074 (N)

COUNTY, BALTIMORE MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

Date: August 18, 1998

Department of Permits & Development

Management

Robert W. Bowling, Chief Development Plans Review Division

SUBJECT:

Zoning Advisory Committee Meeting

for August 17, 1998

Item Nos. 044, 045, 046, 047, 048,

049, 050, 051, 052, 053, 054

Revised Plats for Reclassification

Case #CR-98-367-A

(7218 Windsor Mill Road)

Revised Petition; Environmental Impact Statement, Description, and

Plats for Reclassification

Case #R-97-465

(1856 Reisterstown Road)

The Development Plans Review Division has reviewed the subject zoning items, and we have no comments.

RWB:HJO:jrb

cc: File



Office of the Fire Marshal 700 East Joppa Road Towson, Maryland 21286-5500 (410)887-4880

AUG. 12, 1998

Arnold Jablon, Director Zoning Administration and Development Management Baltimore County Office Building Towson, MD 21204 MAIL STOP-1105

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF AUG. 10, 1998.

Item No.: SEE BELOW Zoning Agenda:

Gentlemen:

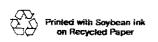
Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 044, 045, 046, 047) 048, 049, 050, 051 AND 053.

REVIEWER: LT. ROBERT P. SAUERWALD

Fire Marshal Office, PHONE 887-4881, MS-1102Fn

cc: File



ALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

TO:

MCP

FROM:

R. Bruce Seeley - A DJ/47
Permits and Development Review

DEPRM

SUBJECT:

Zoning Advisory Committee

Meeting Date: ___

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s:

50 .51

RBS:sp

BRUCE2/DEPRM/TXTSBP



Parris N. Glendening Governor

David L. Winstead Secretary

Parker F. Williams Administrator

Ms. Gwen Stephens Baltimore County Office of Permits and Development Management County Office Building, Room 109 Towson, Maryland 21204

Baltimore County 8.11.5 Y RE:

Item No.

047

Dear Ms. Stephens:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Thank you for the opportunity to review this item.

Very truly yours,

Ronald Burns, Chief

Engineering Access Permits

I. J. Hoell

Division

LG

RE: PETITION FOR VARIANCE 11142 Philadelphia Road, NW/S Philadelphia Rd,	*	BEFORE THE
1350' NE of Joppa Rd, 11th Election District, 5th	*	ZONING COMMISSIONER
Councilmanic	*	FOR
Legal Owners: Richard and Darlene Price	*	BALTIMORE COUNTY
Petitioner(s)		
	*	Case Number: 99-47-A
ر خد بلد بلسائد د	ى د مە	

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates of other proceedings in this matter and of the passage of any preliminary or final Order.

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

CAROLE S. DEMILIO

Carole S. Demilio

Deputy People's Counsel

Old Courthouse, Room 47

400 Washington Avenue

Towson, MD 21204

(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this _____ day of August, 1998, a copy of the foregoing Entry of Appearance was mailed to Richard and Darlene Price, 11142 Philadelphia Road, White Marsh, MD 21162, Petitioner(s).

PETER MAX ZIMMERMAN

Max Timnerman

11146 Philadelphia RD. White Marsh, MD. 21162-1410 Tax Acct.#1120030400

September 9, 1998

Baltimore County Department of Permits and Development Management 111 West Chesapeake Avenue Towson, Maryland 21204

Dear Baltimore County:

Mary J. Thurfield

This letter is to inform you, I was notified of and have no objection to the 20foot high shed on Mr. Price's property. I am also aware there is a zoning hearing scheduled Friday, September 11, 1998 at 11:00 a.m. in Room 106 County Office Building, 111 West Chesapeake Avenue. This hearing will determine variance to allow a 20-foot accessory structure in rear yard in lieu of the required 15 feet.

Sincerely,

REP

cc: Rick Price

Mary Thurfield

11138 Philadelphia RD. White Marsh, MD. 21162-1410 Tax Acct.#1111047850

September 9, 1998

Baltimore County
Department of Permits and
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

Dear Baltimore County:

This letter is to inform you, I was notified of and have no objection to the 20-foot high shed on Mr. Price's property. I am also aware there is a zoning hearing scheduled Friday, September 11, 1998 at 11:00 a.m. in Room 106 County Office Building, 111 West Chesapeake Avenue. This hearing will determine variance to allow a 20-foot accessory structure in rear yard in lieu of the required 15 feet.

Sincerely,

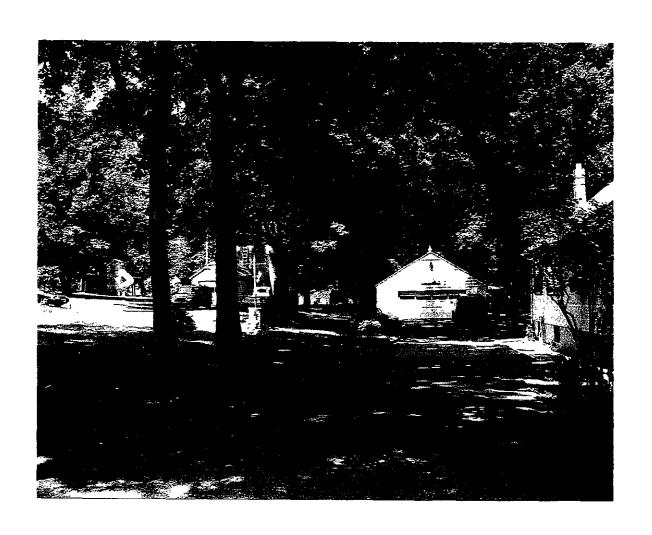
Frank Walters

REP

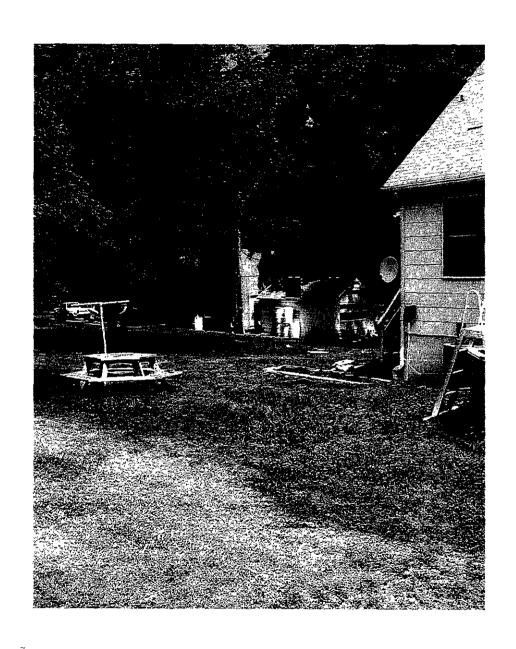
cc: Rick Price

4040 The land of the la D.R. 2 \Diamond N 569,000 No5,000 0 DR55 BALINDRE N 34,000 #47

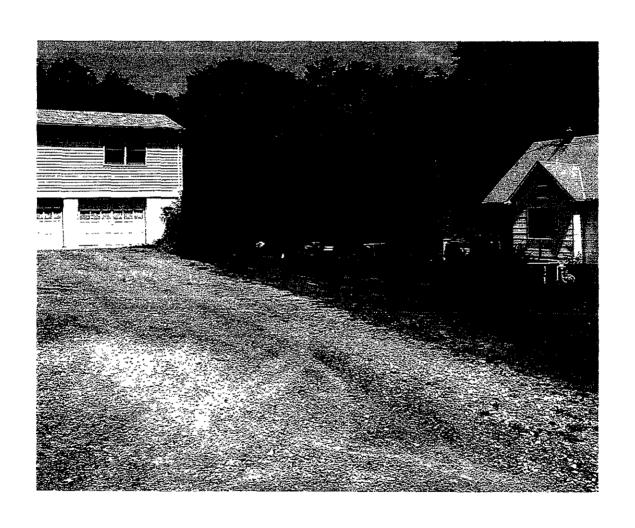
N.E. 9-5

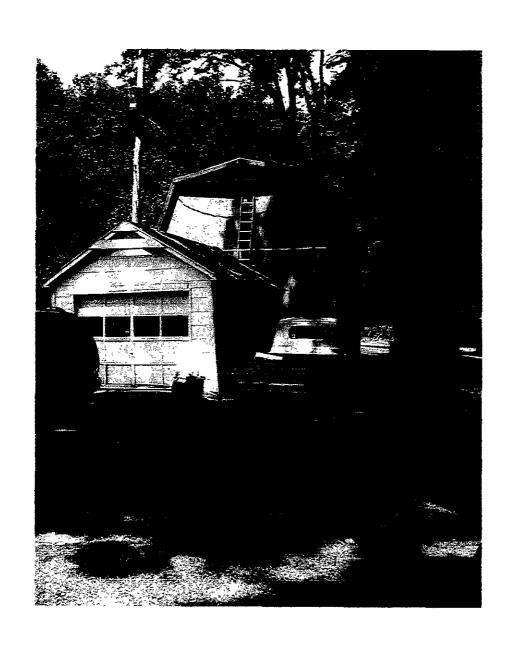


99-47-A

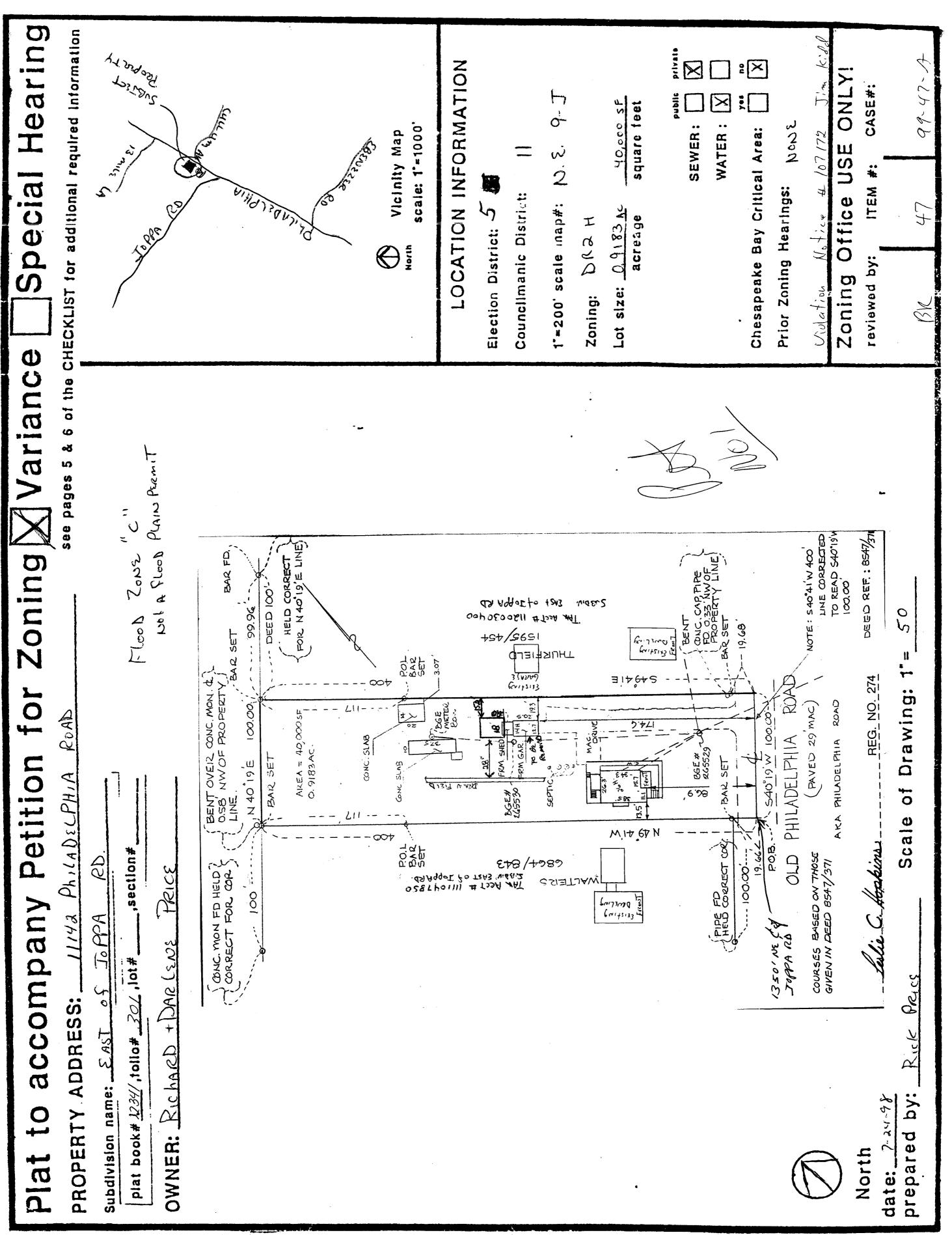








99-47-A



A-1-4-00

